

THE EFFECTIVE DATE OF THIS ORDINANCE IS NOVEMBER 17, 2007

ORDINANCE NO. 07-34-474

Re: Amendment to the Zoning Ordinance regarding funeral homes and crematories by amending Section 1-19-4 and adding a new Section 1-19-206

Zoning Text Amendment ZT-07-08

PREAMBLE

Resthaven Memorial Gardens, Inc. filed an application for a zoning text amendment to add a definition of “cemetery/memorial garden” and “funeral home” to Section 1-19-4 of the Frederick County Code and to allow a funeral home use as so defined as a special exception in the Agricultural zoning district subject to certain conditions.

A public hearing was held before the Frederick County Planning Commission on April 18, 2007. The Planning Commission voted to forward the proposed text amendment to the Board of County Commissioners with a favorable recommendation of approval with a change from the phrase “residentially used property” to “residentially zoned property.”

A public hearing was held on July 17, 2007. The public had an opportunity to comment on this Ordinance at this public hearing.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that Section 1-19-4 of the Frederick County Code (2004) is hereby amended by adding the new definition as set forth below:

CEMETERY/MEMORIAL GARDENS. LAND USED FOR INTERMENT OF HUMAN OR ANIMAL REMAINS OR CREMATED REMAINS, INCLUDING A BURIAL PARK FOR EARTH INTERMENTS, A MAUSOLEUM FOR VAULT OR CRYPT INTERMENTS, A COLUMBARIUM FOR CINERARY INTERMENT OR A COMBINATION THEREOF.

AND BE IT FURTHER ENACTED AND ORDAINED that a new Section 1-19-206 be added to the Code to provide for the accessory use of a crematory, to permit crematory operations as an accessory use to a cemetery/memorial gardens or funeral home, and to provide the criteria for such use. This new section will read as follows:

§ 1-19-206. USE OF CREMATORY ACCESSORY TO A CEMETERY/MEMORIAL GARDEN.

- (A) CREMATORY OPERATIONS ARE PERMITTED AS AN ACCESSORY USE TO CEMETERY/ MEMORIAL GARDENS OR FUNERAL HOME.
- (B) CREMATORY OPERATIONS AS AN ACCESSORY USE TO A CEMETERY/MEMORIAL GARDENS REQUIRES A MINIMUM LOT SIZE OF 15 ACRES.
- (C) CREMATORY OPERATIONS AS AN ACCESSORY USE TO A CEMETERY/MEMORIAL GARDENS REQUIRES ALL YARD SETBACKS BE A MINIMUM OF 50 FEET.
- (D) CREMATORY OPERATIONS MUST COMPLY WITH ALL STATE AND FEDERAL REGULATIONS INCLUDING ALL LICENSING REQUIREMENTS.

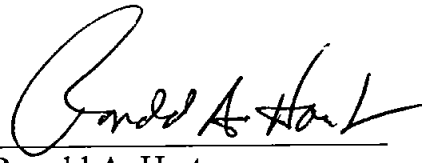
AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on November 17, 2007.

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.

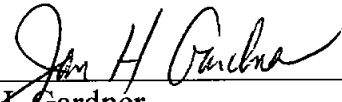
The undersigned hereby certifies that this Ordinance was approved and adopted
on the 6th day of November, 2007.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND



Ronald A. Hart
County Manager



Jan H. Gardner
President

MSc 11/16/07